

IN THE STATE COURT OF GWINNETT COUNTY  
 STATE OF GEORGIA

KONDA GILBERT	)	
	)	
Plaintiff	)	
	)	CIVIL ACTION
v.	)	FILE NO.:
	)	23-C-05242-S7
CIRCLE K STORES, INC.	)	
	)	
Defendant	)	
	)	

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**COMPLAINT FOR DAMAGES**

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COMES NOW, KONDA GILBERT, Plaintiff in the above-styled action, and brings this, her Complaint for Damages, and shows the Court as follows:

**PARTIES AND JURISDICTION**

1.

Plaintiff is a resident of the State of Georgia and has been a resident of the State of Georgia at all times relevant to this case.

2.

Defendant Circle K Stores, Inc., (hereinafter referred to as "Circle K"), is a Foreign Profit Texas Corporation and may be served with a copy of this Complaint and Summons through its Registered Agent for service of process at Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, Georgia 30092.

3.

The State Court of Gwinnett County is the Court of proper venue and jurisdiction in this action.

4.

This is a negligence action brought by Plaintiff to recover for all damages suffered as a result of injuries sustained upon the premises of Circle K located at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076, which is owned, operated, leased, possessed, and/or worked upon by the Defendant.

5.

On or about May 1, 2022, Plaintiff, Konda Gilbert, was an invitee of Defendant Circle K located at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076.

6.

While a business invitee on the premises, Plaintiff walked into a box of unopened paper towels, hitting the box with her right leg, which caused her to fall backwards onto the floor.

7.

Plaintiff's fall was the direct result of the unopened box of paper towels sitting on the floor of Circle K.

8.

The unopened box constituted an unreasonably dangerous condition.

9.

Defendant failed to exercise ordinary care for the protection of its invitees from the dangerous and/or hazardous condition on their property.

10.

Solely as a result of Defendant Circle K's failure to properly maintain and/or monitor its floors and failure to ensure non-stocked items are put away, Plaintiff sustained serious injuries to her person.

11.

At all times relative to this incident, Plaintiff was exercising due care for her own safety.

12.

At all times relative to this incident, Plaintiff conducted herself as a reasonably and ordinarily prudent person would under the circumstances and had no knowledge of the existence of the unopened box of paper towels prior to it causing her to fall.

13.

As a direct and proximate result of Defendant's negligence, Plaintiff sustained serious injuries, pain and suffering, mental anguish, loss of the enjoyment of life, and other damages including, but not limited to, medical expenses.

14.

But for the hazardous condition then existent on Defendant's floor, Plaintiff would not have fallen and suffered serious physical injuries.

#### **COUNT I - NEGLIGENCE FAILURE TO WARN**

15.

Plaintiff hereby incorporates herein by reference paragraphs 1-14 of her Complaint as if fully restated herein.

16.

Plaintiff seeks recovery for personal injuries sustained as a direct and proximate cause of Defendant's negligence, including the negligence of Defendant's agents and/or employees.

17.

At all times relevant, Defendant owed Plaintiff a duty to exercise that degree of care ordinarily possessed and exercised by owners, operators, and maintainers of premises open to invitees. This duty included, but was not limited to, Defendant's obligation to provide

reasonable warning to invitees, such as Plaintiff, of the existence of hazardous conditions on its property.

18.

On or about May 1, 2022, Defendant failed in its duty of care to Plaintiff in that it did not adequately and reasonably provide warning to Plaintiff that its premises had hazardous conditions, such as unopened boxes that caused Plaintiff to fall.

19.

As a direct and proximate cause of Defendant's negligence, Plaintiff sustained serious injuries, pain and suffering, mental anguish, loss of the enjoyment of life, and other damages including, but not limited to, medical expenses in the amount of \$102,632.34.

20.

As a proximate cause of the aforesaid negligence and breaches of duty by Defendant, Plaintiff has incurred lost wages and a diminished capacity to earn in the amount of \$12,393.47, which is subject to being supplemented prior to trial.

21.

Defendant is liable for all damages recoverable under Georgia law.

WHEREFORE, Plaintiff prays and demands as follows:

- a) That process issue and the Summons and Complaint be served upon the Defendant as prescribed by law;
- b) That the Court enter a finding that Defendant was negligent and failed to exercise ordinary care in inspecting its premises, in maintaining a hazardous condition, and in failing to correct or adequately warn invitees of said hazardous condition;

- c) That the Court enter an order finding that the negligence of the Defendant is the sole and proximate cause of the injuries suffered by the Plaintiff;
- d) That this Court grant Plaintiff special damages for her medical bills, past, present and future in an amount to be proven at trial;
- e) That Plaintiff have and recover from Defendant, lost wages and diminished capacity to earn in such an amount as shall be proven at trial;
- f) That Plaintiff be granted damages for her pain and suffering, mental anguish, loss of the enjoyment of life, and other general damages, in an amount to be proven at trial;
- g) That Plaintiff be granted such other and further relief as the Court deems just, equitable and proper.

Respectfully submitted this 27<sup>th</sup> day of July 2023.

**KENNETH S. NUGENT, P.C.**

/s/ Kathryn B. Reddy

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JAN P. COHEN  
Georgia Bar No. 174337  
KATHRYN B. REDDY  
Georgia Bar No. 326979  
*Attorneys for Plaintiff*

4227 Pleasant Hill Road  
Building 11  
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jcohen@attorneykennugent.com  
kreddy@attorneykennugent.com

**General Civil and Domestic Relations Case Filing Information Form**

☐ Superior or ☒ State Court of Gwinnett County

**For Clerk Use Only****23-C-05242-S7**

Date Filed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

**Plaintiff(s)**

Gilbert Konda

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**Defendant(s)**

Circle K Stores, Inc.

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Plaintiff's Attorney Kathryn B. Reddy State Bar Number 326979 Self-Represented ☐

**Check one case type and one sub-type in the same box (if a sub-type applies):**

**General Civil Cases**

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☒ Other General Civil

**Domestic Relations Cases**

- ☐ Adoption
- ☐ Contempt
  - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
  - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required \_\_\_\_\_

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

KONDA GILBERT	)	
	)	
Plaintiff	)	
	)	CIVIL ACTION
v.	)	FILE NO.:
	)	23-C-05242-S7
CIRCLE K STORES, INC.	)	
	)	
Defendant	)	
	)	

**RULE 5.2 CERTIFICATE OF SERVICE**

This is to certify that pursuant to Uniform Court Rule 5.2, I have served upon all Defendant(s) in the foregoing matter with a copy of the following:

**1. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS, INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT,  
CIRCLE K STORES, INC.**

This 27<sup>th</sup> day of July 2023.

Respectfully submitted,

**KENNETH S. NUGENT, P.C.**

/s/ Kathryn B. Reddy  
JAN P. COHEN  
Georgia Bar No. 174337  
KATHRYN B. REDDY  
Georgia Bar No.: 326979  
*Attorneys for Plaintiff*

4227 Pleasant Hill Road  
Building 11  
Duluth, Georgia 30096  
Phone: (770) 820-0816  
kreddy@attorneykennugent.com

**TO:** All Judges, Clerks of Court and Counsel of Record

**FROM:** Kathryn B. Reddy

23-C-05242-S7

**RE:** Notice of Leave of Absence

**DATE:** July 27, 2023

**COMES NOW**, Kathryn B. Reddy, and respectfully notifies all judges before whom she has this case pending, all affected clerks of court, and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Superior/State Court Rule 16.

1. The periods of leave during which time Applicant will be away from the practice of law are: **October 27-November 3; November 17-24 and December 15-29**. She will be out of state or on personal business during the indicated periods of time and will be unable to participate in trials, hearings, depositions, and other legal proceedings during this period.
2. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 27<sup>th</sup> day of July 2023.

**KENNETH S. NUGENT, P.C.**

/s/ Kathryn B. Reddy

Kathryn B. Reddy  
Georgia Bar No.: 326979  
Attorney for Plaintiff

4227 Pleasant Hill Road  
Building 11  
Duluth, Georgia 30096  
Tel: (770) 820-0816  
[kreddy@attorneykennugent.com](mailto:kreddy@attorneykennugent.com)



**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the within and foregoing *Notice of Leave of Absence* upon all clerks and judges by statutory electronic service.

This 27<sup>th</sup> day of July 2023.

**KENNETH S. NUGENT, P.C.**

**/s/ Kathryn B. Reddy**

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Kathryn B. Reddy  
Georgia Bar No.: 326979  
Attorney for Plaintiff

4227 Pleasant Hill Road  
Building 11  
Duluth, Georgia 30096  
Tel: (770) 820-0816  
[kreddy@attorneykennugent.com](mailto:kreddy@attorneykennugent.com)

**TO:** All Judges, Clerks of Court and Counsel of Record

**FROM:** Jan P. Cohen

23-C-05242-S7

**RE:** Notice of Leave of Absence

**DATE:** July 27, 2023

**COMES NOW**, Jan P. Cohen, and respectfully notifies all judges before whom he has this case pending, all affected clerks of court, and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Superior/State Court Rule 16.

1. The periods of leave during which time Applicant will be away from the practice of law are:

**October 16<sup>th</sup>, 2023 – October 24<sup>th</sup>, 2023.**

2. Applicant states that he will be out of state or on personal business during the indicated periods of time and will be unable to participate in trials, hearings, depositions, and other legal proceedings during this period. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

Respectfully submitted:

**KENNETH S. NUGENT, P.C.**

**By:** /s/ Jan P. Cohen  
JAN P. COHEN  
Georgia Bar No. 174337

4227 Pleasant Hill Road  
Building 11  
Duluth, Georgia 30096  
T: (770) 495-6694  
F: (770) 495-6743  
[jcohen@attorneykennugent.com](mailto:jcohen@attorneykennugent.com)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the within and foregoing *Notice of Leave of Absence* upon all clerks and judges by statutory electronic service.

Respectfully submitted this 27<sup>th</sup> day of July 2023.

**KENNETH S. NUGENT, P.C.**

**By:** /s/ Jan P. Cohen  
JAN P. COHEN  
Georgia Bar No. 174337

4227 Pleasant Hill Road  
Building 11  
Duluth, Georgia 30096  
T: (770) 495-6694  
F: (770) 495-6743  
[jcohen@attorneykennugent.com](mailto:jcohen@attorneykennugent.com)

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**Konda Gilbert**

**23-C-05242-S7**

CIVIL ACTION  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Circle K Stores, Inc.**

**Serve: Corporation Service Co.**

**2 Sun Ct., Ste. 400 Peachtree Corners, GA 30092**

DEFENDANT

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT:**


You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Kathryn B. Reddy  
Kenneth S. Nugent, PC  
4227 Pleasant Hill Rd., Bldg. 11  
Duluth, GA 30096

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
27th day of July, 2023

Tiana P. Garner  
Clerk of State Court

By  \_\_\_\_\_  
Deputy Clerk

**INSTRUCTIONS:** Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

IN THE STATE COURT OF GWINNETT COUNTY  
 STATE OF GEORGIA

KONDA GILBERT	)	
	)	
Plaintiff	)	
	)	CIVIL ACTION
v.	)	FILE NO.: 23-C-05242-S7
	)	
CIRCLE K STORES, INC.	)	
	)	
Defendant	)	
	)	

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**PLAINTIFF'S FIRST REQUEST FOR  
 ADMISSIONS, FIRST INTERROGATORIES, AND REQUEST  
 FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**

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NOW COMES Plaintiff, Konda Gilbert, by and through her attorneys, and herewith serves upon Defendant the following Request for Admissions, First Interrogatories and Request for Production of Documents, pursuant to the Georgia Civil Practice Act, and requires the Defendant to answer the following Admissions, Interrogatories and Request for Production of Documents separately and fully in writing under oath and to serve a copy of your answers on the attorneys for the Plaintiff within forty-five (45) days after the service of these requests, as provided by law. You are advised that if you fail to admit any of the Request for Admissions and the Plaintiff is required to prove any fact contained in the Request at trial, the Plaintiff may seek all expenses incurred in making the proof, including reasonable attorneys' fees.

**REQUEST FOR ADMISSIONS**

1.

The Defendant admits that it has been properly served with a copy of the Summons and Complaint in the above-styled action.

2.

The Defendant admits that jurisdiction and venue are proper in this case.

3.

The Defendant admits that on May 1, 2022, Defendant CIRCLE K STORES, INC. was the owner and occupier of the premises at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076.

4.

The Defendant admits that at the time of the incident described in the Complaint, there were unopened boxes sitting around causing the Plaintiff to fall.

5.

The Defendant admits that the unopened boxes constituted an unreasonably dangerous condition.

6.

The Defendant admits that it failed to exercise ordinary care for the protection of its invitees from the dangerous and/or hazardous condition on their property.

7.

Defendant admits that it failed to properly maintain and/or monitor its floors.

8.

Defendant admits that it failed to place the unopened boxes in a location out of its customer's path, thereby causing Plaintiff to sustain serious injuries to her person.

7.

The Defendant admits that the Plaintiff was injured at the premises located at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076.

**FIRST INTERROGATORIES**

You are required to answer the following interrogatories and to serve a copy of your answers on the attorneys for the Plaintiff as provided by law.

In answering the following interrogatories, you are requested to give full and complete answers based upon all knowledge of you and your agents, employees, servants, representatives, investigators, and others who have obtained information on your behalf.

All the following interrogatories shall be deemed continuing in nature until the date of trial to the extent permitted by O.C.G.A. § 9-11-26(c), and you are required to serve supplemental answers to the extent required thereby if you or your attorneys obtain additional information between the time the answers are served and the time of trial. Copies of such supplemental answers shall be served on the attorneys for Plaintiff within forty-five (45) days from the discovery of such additional information, but not later than the time of trial.

When used in these interrogatories, the term "incident" specifically refers to the incident which occurred on or about May 1, 2022, at the Circle K located at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076, involving these parties, and which forms the basis of the Complaint filed by the Plaintiff in this action.

1.

Please state the name, home address including zip code, business address including zip code, and home and business telephone number of each person, including any party whom, to your knowledge, information or belief:

- a. was an eyewitness to the incident or any parts of the incident;
- b. has some knowledge of any fact or circumstances upon which your defenses in this matter are based;
- c. assisted in answering these Interrogatories.

2.

Please describe the substance of each and every comment, statement, or report which to your knowledge, information or belief, has been made by any person named in your response to Interrogatory Number 1 above, giving as to each the date the comment, statement or report was made, the parties present when made, the form (whether oral, written, recorded, etc.) and please provide the name, address, and phone number of the person presently having custody of each written statement or report.

3.

Please describe each and every statement or report relating to the incident, which to your knowledge, information or belief, has been made by any person, giving as to each the date the statement or report was made, the parties present when made, the form (whether oral, written, recorded, etc.), and please provide the name, address and phone number of the person presently having custody of each said statement or report.

4.

Please identify any and all records, memoranda, or files regarding the maintenance of the area where the Plaintiff was injured, for a period of one (1) year prior to the incident and one (1) year after the incident. Please provide the name, address and phone number of each person who has custody of the original of such documents as well as the name of the person who has copies of said records.

5.

Please identify any and all records, memoranda, or files regarding the inspection policy and inspection reports for the area where the Plaintiff fell, for a period of one (1) years prior to the incident and one (1) year after the incident. Please provide the name, address and phone number of each person who has custody of the original of such documents as well as the name of the person who has copies of said records.



6.

Please identify any and all cleaning records, memoranda, or files regarding the cleaning performed at the property at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076, for a period of three (3) years prior to the incident and one (1) year after the incident. Please provide the name, address and phone number of each person who has custody of said records.

7.

Please identify any photographs that were taken of the area involved in this incident.

8.

Please state the name and addresses or information sufficient for the location of each and every person known or reasonably believed by you or known by your attorneys, agents or investigators to have possession of any motion pictures, video, photographs, diagrams or plats pertaining to this incident or the related premises.

9.

Specify the parties to, time, place, and substance of any conversation about the manner in which the incident occurred.

10.

Please identify any person(s) who discussed this matter at the offices of Circle K on the day of or the day after the incident. Please provide the name, address and phone number of each person identified.

11.

Please identify each and every document, paper, questionnaire, or written material that was presented by CIRCLE K STORES, INC. to the Plaintiff following the incident. Please identify each document signed by the Plaintiff.

12.

Please state the names and addresses or information sufficient for the location of each and every person known or reasonably believed by you or known by your attorneys, agents or investigators to have heard the Plaintiff make any statement, remark or comments concerning the incident.

13.

Please state the names and addresses or information sufficient for the location of each and every person who worked for Circle K Stores, Inc. on May 1, 2022. Please state which person or persons were responsible for the maintenance in the area where the Plaintiff was injured. Please indicate whether they are now employed by the Defendant.

14.

Please describe all policies of insurance, including umbrella or excess policies, known or believed by you to have been in force and effect and which would provide coverage at the time of the incident and for each policy, please state the following:

- (a) The full name of the company issuing the policy;
- (b) The policy number;
- (c) The limits of liability coverage;
- (d) The limits of the property damage coverage;
- (e) The full name of each insured shown on the declarations portion of the policy; and
- (f) Where and how the policy was purchased.

15.

Please identify each person whom you expect to call as an expert witness at the trial of this case and with respect to each person, state the subject matter on which such expert is expected to testify, state the substance of the facts and opinions to which each such expert is expected to testify and give a summary of the grounds for each such opinion.

16.

Please state whether any of the experts listed in the answer to the foregoing Interrogatory have rendered any reports, either written or oral, concerning any facts or opinions involving any of the issues in this case.

17.

With regards to your answers to Interrogatories Nos. 15 and 16, please state the following:

- (a) The name of the expert or experts and the issues about which he or she has formed or expressed an opinion;
- (b) Whether the opinion or report of the expert was oral or written and the date upon which said opinion or report was given;
- (c) If written, the name and address of the person having said report or any copy thereof in his or her possession and control;
- (d) The facts determined and the opinions formed as expressed by each expert; and
- (e) The substance of the facts relied upon by said expert in arriving at his or her opinion or opinions.

18.

Please state the names, addresses and telephone numbers of each individual who is not an expert witness but who has knowledge of and who may be called to testify on behalf of the Defendant concerning the nature, duration and extent of Plaintiff's injuries.

19.

Describe in detail how the incident occurred, giving all facts concerning the details of the events before, at the time of, and after the incident, which you believe contributed to the incident.

20.

Was an examination of the property made after the incident? If so, state:

- (a) the date of the examination;

- (b) the name, address and occupation of the person(s) making such examination; and
- (c) the name and address of the person now having possession and custody of the records of such examination.

21.

Please identify any and all reports or other documents describing injuries at the property at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076 for a period of one (1) year prior to the incident and one (1) year after the incident.

22.

If you denied any of the foregoing Request for Admissions, for each admission you denied or any portion thereof, please give and state each fact upon which you base your denial and provide the name, address and phone number of all persons having knowledge of these facts and indicate which facts are supported by which person or persons.

23.

If, in responding to the foregoing Request for Admissions, you could not answer the admission for lack of sufficient information, please describe all inquiries made by you to attempt to answer the request.

#### **REQUEST FOR PRODUCTION OF DOCUMENTS**

You are required to produce the documents requested herein and to permit the Plaintiff, or someone acting on her behalf to inspect them and copy such of them as they may desire, within forty-five (45) days from the date of service as provided by law. You may produce such documents by mailing copies of such documents to the undersigned at the office of Kenneth S. Nugent, P.C., 4227 Pleasant Hill Road, Building 11, Duluth, Georgia 30096.

YOU ARE HEREBY NOTICED TO PRODUCE THE DOCUMENTS AT ANY DEPOSITION, HEARING OR TRIAL OF THIS MATTER PURSUANT TO O.C.G.A. § 24-10-26.

The term "documents" is intended in the broad and literal sense, and means any and all forms of written, typed, printed, recorded, graphic, or computer matter, however produced, processed or reproduced, of any kind and description and whether an original, master, duplicate or copy, including but not limited to accounts, advertisements, agreements, amendments, analyses, appointment books, articles, bank checks, bibliographies, bills, binders, books, brochures, bulletins, cablegrams, calculations, canceled checks, cashier's checks, catalogs, charts, check stubs, communications (including inter-office and intra-office), computer print-outs, computer data, contracts, corporate records, correspondence, data sheets, desk calendars, diaries, diary entries, drafts, drawings, films, financial records, formulas, freight bills, instructions, invoices, labels, ledger books, letters, lists, mail-grams, manuals, memoranda, microfiche, microfilm, minutes of board of directors, minutes of committee meetings, newspapers, notebooks, notes, orders, pamphlets, papers, periodicals, photographs, plans, projections, publications, receipts for cashier's checks, receipts, records, reports, schedules, shipping orders, sketches, sound recordings, specifications, studies, surveys, telegrams, test results, videotapes, vouchers, working papers, work sheets, things similar to any of the foregoing, and notes, minutes, transcriptions or sound recordings of any type of personal or telephone conversations, statements, negotiations, meetings or conferences, and all other physical things containing information, including preliminary drafts of and marginal or other notes, notations or comments appearing on any document, however denominated or described.

If you dispute the genuineness of any documents produced in response to this Request for Production of Documents, please provide information sufficient to locate and obtain the original of such document.

Please produce a copy of all insurance policies that provided general liability insurance for CIRCLE K STORES, INC. and its agents for the property at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076, which would have been in force on May 1, 2022.

2.

Please provide a copy of any and all documents, which support your responses to Plaintiff's Interrogatory to Defendant Circle K Stores, Inc.

3.

Please provide a copy of any and all incident reports or information that you have regarding any occurrence where any individual was injured on the property at 8144 E. Hwy 16, Senoia, Coweta County, Georgia 32076 for the one (1) year prior and the one (1) year after the incident in question.

4.

Please provide a copy of any and all documents, photographs, videotapes, diagrams, drawings, or other items, which describe, depict or otherwise reference the scene of the incident.

5.

Please provide a copy of any and all witness statements taken by any person concerning the incident involving the plaintiff. If you claim any privilege as to any such statements, please state the nature of the privilege, the name of the witness, and the date and substance of each such statement.

6.

Please provide a copy of any and all documentary evidence relied upon by you to demonstrate and support facts relevant to this litigation. E. H. Siler Realty & Business Broker, Inc. v. Sanderlin, 158 Ga. App. 796(2), 282 S.E.2d 381 (1981).

Respectfully submitted this 27<sup>th</sup> day of July 2023.

**KENNETH S. NUGENT, P.C.**

/s/ Kathryn B. Reddy

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JAN P. COHEN

Georgia bar No. 174337

KATHRYN B. REDDY

Georgia Bar No. 326979

*Attorneys for Plaintiff*

4227 Pleasant Hill Road  
Building 11  
Duluth, GA 30096  
T: (770) 820-0816  
F: (770) 820-0716  
kreddy@attorneykennugent.com

CLYDE CASTLEBERRY CO., CONVENTON, GA 30015

## SHERIFF'S ENTRY OF SERVICE

SC-85-2

Superior Court ☐  
 State Court ☒  
 Juvenile Court ☐

Magistrate Court ☐  
 Probate Court ☐

Civil Action No. 23-C-05242-S7Date Filed 7/27/23Georgia, Cwinnett COUNTY

## Attorney's Address

Kathryn Reddy  
 4207 Pleasant Hill Rd.  
 Bldg. 11  
 Suwanee, GA 30096

Name and Address of Party to be Served.

Circle K Stores, Inc.  
Service Corporation, Service Co.  
2 Sun Court, Ste. 400  
Peachtree Corners, GA 30092

Konda Gilbert

Plaintiff

VS.

Circle K Stores, Inc.

Defendant

Garnishee

## SHERIFF'S ENTRY OF SERVICE

PERSONAL

☐ I have this day served the defendant \_\_\_\_\_ personally with a copy  
☐ of the within action and summons.

NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a  
 copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of \_\_\_\_\_ described as follows:  
 age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of  
 defendant.

CORPORATION

Served the defendant Circle K Stores, Inc.  
 by leaving a copy of the within action and summons with Alisha Smith  
 in charge of the office and place of doing business of said Corporation in this County.

TACK &amp; MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said  
 affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the  
 defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the  
 place stated in the summons.

NON EST

☐ Diligent search made and defendant \_\_\_\_\_  
☐ not to be found in the jurisdiction of this Court.

This 7 day of August, 2023.Collins 50500

DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_